IN ANSVVERE TO THE EARLE OF STRAFFORDS ORATION.

The 13. of Aprill, 1641.

I believe, never Spoken.

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With your Lordships favour,

IF the subvertion of the fundamentalls of Faith be Heresie, why not as well the subversion of the fundamentall Lawes, Treason? Shall it be Treason to destroy the Kings Minister? and shall that be none that destroyes his protector? For the Law protects the King, as well as the King the Lawes: and if Lawes did not subsiduate Princes, Kingdoms would totter as foundationlesse: nay they are indeed, the very subsistance of Kings.

Let it be supposed, though not granted, that no one perticular make it Treason, may not many and successive Acts amount it to that height? One graine of poyson is not mortall, but many together are. Exportation of Sheepe for once is but a Trespasse, but acted a second time is Felony by Statute. Refusall of the Oath of Supremacy is at first not capitall; but refus'd againe, by statute is made Treason. And to my weake understanding, my Lords, this clearely shewes the mind of the Law: one ill act of waving the Law, may be but out of rashnesse, out of Ignorance; but a perpetuated practice, shewes a prepen-

sed malice, and murther thus acted by the 10. *H. 7.* in *Ireland*, is Treason.

Be it there be no statute or Common-Law in expresse to make it so, yet necessary inferences, if they bee not certainetyes, are next them; and if the deputed Iudge or Governour hath power in the businesse of the Subject, to make the sway arbitrary, where Law is possitive, I know not but hee may doe the same in the businesse of the Soveraigne; so it may come to pull the Soveraignety from the Prince, and place it on his substitute; and whether this be Treason or no, I leave to your Lordships consideration.

'Tis true, *de non apparentibus, & non existentibus, eadem est Ratio*, But my Lords, to make this Treason, is not unapparant: a partiall eye will not finde it, but he that lookes, *Intuitu serio*, may see even the Triple Gerion of Treason in it, for it cannot be but there is *Lasa Respub, Lex, Maiestas*, the Common-wealth is oppressed, the Lawes are supprest, the Prince is scandal'd in act, and subjected by consequence to his Denious determinations: and therefore I shall without admiration tell you where this fire hath layen those hundred of yeares he speaketh of, even (my Lords) in the honester behaviour of other Ministers of

 State.

Scate, who have not beene injurious against the Lawes, and there still had it beene buried, if his owne nefarious actions had not un-embredit, and fuel'd it anew.

Nor can your Sentence be before promulgation, since even your renowned Progenitors have already declared it Treason, though not by a perticular Statute in termes: yet by a demonstrative practice, which if his Lordship would not have beene willingly blind, had beene Buoy enough to keepe him from that Anchor of us all, which now must either hurt it selfe, or else split him; the Parliament whose Courses lese upon Record cannot be taken for under water workes, so that a very easie honesty and common morallity (without Revelation) might have serv'd as the red Crosse and the Bill, to have warn'd him from this plague of Legicide.

I shall begge as hard as his Lordship, that you have regard to your selves, for if upon him (by whose authority, Peeres shall bee sentenc'd to be shot, Nobles, curb'd & coop'd up, Lawes subverted, Freehold, disposed of out of the Courts, Grants under the Royall Seale extrajudicially disanul'd, and what may be profit of, Monopoliz'd) you set not some everlasting Character, to deter the like from-

leſſe attempts; I know not but the next commer, may ſubjugate your deareſt freedomes, and as remedileſſe you may then complaine, as thoſe who now doe ſuffer, and have not yet found a redreſſe.

My Lords under favour, your providence may be ſhort, if it reach but to burning of Bookes: a fire of dead leaves will bee too weake a fuell for a warning Beacon: A living Authour made exemplary will afford a Taller flame, and if there were no other Law, that of Retaliation could not but be juſt; an Arbitrary ſentence, were but plowing with his owne Heyfer; Who ſtriving to ſeclude the Lawes, would inferre a kinde of legall Tyranny, from a breaſt that is a Libertine. And therefore your Lordſhips I perſwade my ſelfe, will thinke it mightily fit, to caſt this *Ionas* overboard, who hath occaſioned all theſe ſtormes, indangered all the ſacred ſhip of Government, and by flying the plaine ſpeaking Law, has dar'd by his Imperious Vote, to outgoe even all the bold attempts of Anceſtry.

It is ſome comfort to us, that in 240. years, we have had no uſe of theſe venerable (though by him reviled for muſty) Records. The Common-wealth has had the fewer enemies. And if they worke now but a merited operation,

tion, I hope it may be 500. yeares ere any of so bold a brow, shall desperatly againe adventure to awake them.

And if his Lordship be not made a president for punishment: I know not but hee may prove a President for example, to animate others of a Vafrous and presuming braine, to take up the same way from a pleasurable bosome, to doome both Nobles, and the Commons, into a State of deepe calamity. And so your Lordships lenity to him, may by indulgence wound a future multitude. His many crimes which you have heard fully proved, will immortallize your Peerage for a noble Iustice. The learned Orator has antiently told us, that *Non potest cuiquam male de Requb. mereri iusta esse causa.* And though it be severe, it cannot be unrighteous, for *Hoc spectant Leges, Hoc volunt; incolumem esse Civium Coniunctionem, quam qui dirimunt, eos morte, exilio, vinculis, damno, coercent.*

Thus every man will know what channell to steere in, what rocks to avoyd, what he is not to doe, what he is not to say for feare of meeting such paines.

Thus men of honest wisdome, will be cautious of keeping in the plaine rode of the Law, and never hazard (by crossing through untro-

untroden Thickets) either Honour, Issue, or fortune, to a losse. What his Majestie may graciously intend to the pledge of his Sainct, will rest in his most Royall heart: Though I hope the want of a Midwife did not make her one,, nor his marriage within a moneth after her decease did ere make him account her so.

And now (my Lords) wee shall humbly expect your Honorable Iudgements, beseeching you will bee nobly pleased to defend those Lawes which have ever defended you, to have respect to your owne future liberty, and the safety of these flourishing Kingdomes: Then what ever your sentence be,

Te Deum laudamus Cantemus Iehovæ, clangamus te Deum confitemur. Rupibus, salutis nostræ.

FINIS.